

Cambridge City Council

TAXI REGULATORY HEARING

Date: Monday, 24 September 2018

Time: 11.00 am

Venue: Committee Room 1 & 2, The Guildhall, Market Square, Cambridge, CB2 3QJ

Contact: democratic.services@cambridge.gov.uk, tel:01223 457000

Agenda

- 1 Appointment of a Chair
- 2 Declarations of Interest
- 3 Meeting Procedure
- 4 Exclusion of Press and Public
It is recommended that the committee resolves to exclude the press and public by virtue of paragraphs 1 & 2 of Part 1 of Schedule 12A of the Local Government Act 1972.
- 5 To consider 'Driver D' standing as a Hackney Carriage (Pages 7 - 36)

Licensing Sub Committee Members: McPherson, Page-Croft and Thittala

Information for the public

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Licensing Sub-Committee: Taxi Applications Hearings Procedure

The City Council is the licensing authority for Hackney Carriages and Private Hire Vehicles within the City of Cambridge. The Licensing Team of the Refuse and Environment section of the City Council is responsible for all licensing matters and an “Officer” is a manager or member of that team.

Preparation of report

1. Where an application for a taxi or driver licence does not accord with the Council’s Taxi Policy, officers may not approve it and it must be determined by a meeting of the Taxi Licensing Sub-Committee.
2. The Officer will prepare a report for the Sub-Committee, setting out the following:
 - the relevant law, Council policy and the powers of the Sub-Committee;
 - the details of the application, any investigation and the source of any information presented;
 - any matters disputed by the applicant.

Preparation for the hearing

3. The Council will contact the applicant, to tell them when and where the Sub-Committee meeting will be held and to advise them that they may bring an adviser or representative to assist them.
4. The applicant may provide supporting documentation, either in advance, in which case it may be included as part of the report, or in the hearing itself.
5. The Environmental Health Manager will send the driver a copy of the report at least 5 working days before the hearing to give her/him the opportunity to submit further written representations or additional information.
6. The applicant may instruct someone (such as a solicitor, a friend or relative, an employer or a member of a trade organisation) to act as her/his representative. The applicant can be represented at the hearing whether or not the applicant attends the hearing.
7. If the applicant does not attend the hearing and is not represented the Sub-Committee may decide to continue in her/his absence.
8. Any references in this note to an applicant should be taken to include her/his representative.

Conflict of Interest

9. If a member of the Licensing Sub-Committee becomes aware of a possible conflict of interest before or during the hearing she/he should raise this with the Head of Legal Services.

10. Members should not take part in hearing a case if they have a personal interest or involvement with it or the issues raised by it might be seen as affecting their impartiality, e.g if they know the applicant or a complainant, or they have been previously involved with the case or a closely related case in another capacity.

The Hearing

11. Present at the hearing will be members of the Licensing Sub-Committee, the Officer and a Legal Officer who will be the Sub-Committee's legal adviser. A Committee Manager may also be present.

12. At the start of the hearing the Chair of the Sub-Committee will open the meeting, introduce the members of the committee and officers present and explain the procedure to be followed.

13. The committee members will decide whether members of the press and public should be excluded from the remainder of the meeting.

14. The Officer will outline the report and present any information considered relevant in relation to the case.

15. Members may ask any relevant questions of the Officer.

16. The Chair will invite the applicant or her/his representative to ask any questions of the Officer.

17. The Chair will invite the applicant or a representative to put the applicant's case to the committee. The Chair will have discretion to determine whether the committee will hear from additional speakers.

18. Members may ask any relevant questions of the applicant and/or her/his witnesses.

19. The Officer may ask any relevant questions to clarify the information that has been given.

20. When all the information has been offered, the Chair will invite all parties to summarise their points if they wish.

21. The Chair will ask all parties if they are satisfied that they have had the opportunity to say everything that they wish to say.

22. The Chair will invite the Legal Adviser to the Sub Committee to give any legal advice that the Adviser considers to be appropriate.

23. If the Sub-Committee wish to consider their decision in private, everyone, except the members of the Sub-Committee, will be asked to leave the room; alternatively the Sub-Committee will withdraw to another room. The Sub-Committee may invite the Legal Adviser to join them. Any legal advice given to the Sub-Committee when they are withdrawn will be reported back to the hearing before the Chair resumes it.

24. The Sub-Committee may reconvene the meeting in order to seek clarification of the facts.

25. When the decision has been made the Chair will announce this to the applicant.

The Decision

26. Following the hearing the Council will write to the applicant with formal notification of the decision of the Sub-Committee and informing the applicant of any right to appeal to the Crown Court and the time within which appeals must be submitted.

Grounds for Disbarment

Specific consideration will be given to the following Grounds for Disbarment by the Environmental Health Manager, and subsequently the Licensing Sub-Committee, may exercise discretion to grant or to renew a licence, or to suspend or revoke an existing licence.

Unless there are exceptional circumstances it is unlikely that an individual will be granted a licence if they have:

1. Been convicted of **any offence of a sexual nature** which is not spent under the Rehabilitation of Offenders Act 1974

2. Been convicted of any **offence involving possession, supply of drugs** or related offence not spent under the Rehabilitation of Offenders Act 1974

3. Been convicted of any offence **involving dishonesty** not spent under the Rehabilitation of Offenders Act 1974
4. Been convicted of any offence **involving violence** not spent under the Rehabilitation of Offenders Act 1974
5. Been convicted **within the last 5 years** of **more than one** offence of drunkenness or related (see item 7 below)
6. Held their DVLA driver's licence for **less than 2 years** after its return as a result of suspension for **any reason**
7. Been convicted of any offence **relating to alcohol and motor vehicles** which is not spent under the Rehabilitation of Offenders Act 1974
8. Been convicted **within the past 3 years** of any offence which resulted in **6 or more** points being attached to their driver's licence
9. Been convicted **within 1 year** of any combination of offences resulting in **more than 6** points being attached to their driver's licence
10. If at the time of application (for grant, renewal or during the life of an existing licence) have **more than 9** points attached to their driver's licence
11. If they have **more than 1** conviction relating to 'taxi' law which is not spent under the Rehabilitation of Offenders Act 1974